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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/058,732

01/30/2002

Hirohisa Imai

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513 7590 04/05/2007
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EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT

PAPER NUMBER

3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/058,732	IMAI ET AL.	
	Examiner	Art Unit	
	Mike Tomaszewski	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)* | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/13/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the amendment filed on 1/8/07. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/8/07 has been entered.

Claims 1-2, 7, 9, 15-16, 23 and 25 have been amended. Claims 1-26 are pending.

Claim Rejections - 35 USC § 112

2. Claims 1-26 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention and for the reasons set forth in the objection to the specification in section 4, *supra*.

Claims 1, 15 and 25 recite limitations that are new matter, as discussed above. Claims 2-14, 16-24 and 25-26 incorporate the deficiencies of claims 1, 15 and 25 through dependency and are also rejected.

Applicant is advised to provide support for all features added to the amendment filed on 1/8/07.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

NOTE: The following rejections assume that the subject matter added in the amendment filed on 1/8/07 is not new matter and are provided herein below for Applicant's consideration on the condition that Applicant properly traverses the new matter objections and rejections set forth in sections 2, *supra*, in the next communication sent in response to the present Office Action.

4. Claims 1-5, 7-13, 15-19 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Clarkson* (US 2003/0046305; hereinafter *Clarkson*), in view of *Blasingame et al.* (US 2002/0022975; hereinafter *Blasingame*).

(A) As per currently amended claim 1, *Clarkson* discloses a communication system for providing information of medical doctor's questions to patients, said communication system comprising:

- (1) a medical doctor terminal apparatus (*Clarkson*: abstract; ¶ [0050]; Fig. 2);
- (2) a patient terminal apparatus (*Clarkson*: ¶ [0050]; Fig. 2);
- (3) a database server apparatus for storing question sets for the medical doctor's questions to patients, said medical doctor terminal apparatus, said patient terminal apparatus and said database server apparatus are connected to each other through a communication network (*Clarkson*: abstract; ¶¶ [0050], par. [0023], [0027]; Fig. 2);
- (4) wherein said patient terminal apparatus comprises:
 - (a) displaying means for displaying questions for the medical doctor's questions to patients by executing of the question programs generated by said generating means (*Clarkson*: abstract; ¶¶ [0073], [0079]; Fig. 1-2);
 - (b) entering means for entering answer data to the displayed questions (*Clarkson*: abstract; ¶¶ [0050], [0023], [0027]; Fig. 1-2); and
 - (c) transmitting means for transmitting the entered answer data to said database server apparatus, and storing the transmitted answer data in said database server apparatus (*Clarkson*: abstract; ¶¶ [0050], [0023], [0027]; Fig. 1-2); and
- (5) wherein said medical doctor terminal apparatus comprises second receiving means for receiving the answer data stored in said database server apparatus by accessing said database server apparatus, and

displaying the received answer data (*Clarkson*: abstract; par. [0050], par. [0023], [0027]; Fig. 1-2).

Clarkson, however, fails to *expressly* disclose a communication a communication system for information of medical doctor's questions to patients, said communication system comprising:

- (d) first receiving means for receiving the question sets from said database server apparatus, the question sets each including at least one of data and parameters which are dependent on a particular patient among a plurality of patients, wherein the question sets are not executable programs;
- (e) program storing means for storing a resident operating program which is not dependent on a particular patient and which is for processing the question sets received from said database server apparatus by said first receiving means; and
- (f) generating means for generating question programs, which are dependent on a particular patient among a plurality of patients, for making a medical doctor's questions to the particular patient in accordance with the question sets received from said database server apparatus by said first receiving means, said generating means generating the question programs by using the operating

program stored in said program storing means in combination with the question sets received from said database sever apparatus by said first receiving means so as to generate question programs tailored to the particular patient.

Nevertheless, these features are old and well known in the art, as evidenced by *Blasingame*. In particular, *Blasingame* discloses a communication system for providing information of medical doctor's questions to patients, said communication system comprising:

- (d) first receiving means for receiving the question sets from said database server apparatus, the question sets each including at least one of data and parameters which are dependent on a particular patient among a plurality of patients, wherein the question sets are not executable programs (*Blasingame*: abstract; ¶ [0114]);
- (e) program storing means for storing a resident operating program which is not dependent on a particular patient and which is for processing the question sets received from said database server apparatus by said first receiving means (*Blasingame*: abstract; ¶ [0009]); and
- (f) generating means for generating question programs, which are dependent on a particular patient among a plurality of patients, for

making a medical doctor's questions to the particular patient in accordance with the question sets received from said database server apparatus by said first receiving means, said generating means generating the question programs by using the operating program stored in said program storing means in combination with the question sets received from said database sever apparatus by said first receiving means so as to generate question programs tailored to the particular patient (*Blasingame*: abstract; ¶ [0096]).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Blasingame* with the combined teachings of *Clarkson* with the motivation of providing a means for customizing interactive doctor-patient consultations (*Blasingame*: abstract).

(B) As per currently amended claim 2, *Clarkson* discloses the system as claimed in claim 1, wherein said generating means comprises:

- (1) template storing means for storing template question programs corresponding to predetermined answer forms (*Clarkson*: abstract; ¶¶ [0007] – [0019], [0027], [0066]; Fig. 1-2); and
- (2) program generating means for generating question programs by inserting question sets received from said database server apparatus into the

template question programs (*Clarkson*: abstract; ¶¶ [0020], [0050]; Fig. 1-2).

(C) As per original claim 3, *Clarkson* discloses the system as claimed in claim 2, wherein the answer forms include at least one of:

- (1) a first answer form for answering by selecting at least one among a plurality of selection sentences of answers as an answer to the question (*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050]; Fig. 1-2); and
- (2) a second answer form for answering by using a numerical value as an answer to the question (*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050]; Fig. 1-2).

(D) As per previously presented claim 4, *Clarkson* discloses the system as claimed in claim 1, wherein each of the question sets includes data indicative of an answer form, and a question sentence (*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050]; Fig. 1-2).

(E) As per original claim 5, *Clarkson* discloses the system as claimed in claim 4, wherein each of the question sets further includes at least one selection sentence (*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050]; Fig. 1-2).

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(F) As per currently amended claim 7, *Clarkson* discloses the system as claimed in claim 1, wherein said terminal apparatus for patient further comprises:

- (1) answer data storing means for storing entered past answer data
(*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2); and
- (2) said displaying means displays stored past answer data stored in said answer data storing means in conjunction with the question (*Clarkson*: abstract; ¶¶ [0099] – [0100]; Fig. 1-2).

(G) As per original claim 8, *Clarkson* discloses the system as claimed in claim 3, wherein the second answer form includes at least one of:

- (1) a third answer form for answering by directly entering a numerical value as an answer to the question (*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050], [0073] – [0078]; Fig. 1-2); and
- (2) a fourth answer form for answering by entering a numerical value indicative of an answer with either one of increasing and decreasing a numerical value starting at an initial value, as an answer to the question (*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050], [0073] – [0078]; Fig. 1-2).

(H) As per currently amended claim 9, *Clarkson* discloses the system as claimed in claim 8, wherein:

- (1) said patient terminal apparatus further comprises answer data storing means for storing the entered past answer data (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2); and
 - (2) the initial value of the numerical value is a numerical value indicative of a previous answer of the corresponding patient included in the past answer data stored in said answer data storing means (*Clarkson*: abstract; ¶¶ [0099] – [0100]; Fig. 1-2).
- (I) As per original claim 10, *Clarkson* discloses the system as claimed in claim 5, wherein said program generating means comprises changing means for changing a display layout of the selection sentences according to at least one of the number of the selection sentences and the length of each selection sentence (*Clarkson*: abstract; ¶¶ [0020], [0050]; Fig. 1-2).
- (J) As per previously presented claim 11, *Clarkson* discloses the system as claimed in claim 1, wherein said medical doctor terminal apparatus further comprises:
- (1) transmitting and storing means for entering a remedy policy for a patient, transmitting the entered remedy policy to said database server apparatus, and storing the transmitted remedy policy in said database server

apparatus (*Clarkson*: abstract; ¶¶ [0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2); and

- (2) third receiving means for receiving the stored remedy policy for the patient by accessing said database server apparatus, and displaying the received remedy policy (*Clarkson*: abstract; ¶¶ [0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2).

(K) As per previously presented claim 12, *Clarkson* discloses the system as claimed in claim 11, wherein said medical doctor terminal apparatus further comprises:

- (1) link controlling means for controlling said third receiving means in accordance with a command from an operator so that said third receiving means receives the stored remedy policy for the patient by accessing said database server apparatus and displays the received remedy policy, when said second receiving means receives answer data and displays the received data (*Clarkson*: abstract; ¶¶ [0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2).

(L) As per previously presented claim 13, *Clarkson* discloses the system as claimed in claim 1, wherein said database server apparatus comprises:

- (1) first storing means for storing information about each respective patient (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2);
 - (2) second storing means for storing questions for medical doctor's questions for each respective question (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2);
 - (3) third storing means for storing information about linking between the respective patients and respective questions (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2); and
 - (4) fourth storing means for storing answer data from said patient terminal apparatus (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2).
- (M) Claims 15-19 and 21-26 substantially repeat the same limitations as those of claims 1-5 and 7-13 and therefore, are rejected for the same reasons given for those claims and incorporated herein.
- (N) As per currently amended claim 25, *Clarkson* discloses a medical doctor terminal for use in a communication system for providing information era medical doctor's questions to patients, said communication system comprising:

- (1) said medical doctor terminal apparatus (*Clarkson*: abstract; ¶ [0050]; Fig. 2);
- (2) a patient terminal apparatus (*Clarkson*: ¶ [0050]; Fig. 2); and

- (3) a database server apparatus for storing question sets for the medical doctors questions to patients, said medical doctor terminal apparatus, the patient terminal apparatus and the database Server apparatus being connected to each other through a communication network (*Clarkson*: abstract; ¶¶ [0050], par. [0023], [0027]; Fig. 2); and
- (4) said medical doctor terminal apparatus (*Clarkson*: abstract; ¶ [0050]; Fig. 2).

Clarkson, however, fails to expressly disclose a medical doctor terminal for use in a communication system for providing information era medical doctor's questions to patients, said communication system comprising:

- (4) said medical doctor terminal apparatus comprising:
 - (a) first receiving means for receiving answer data stored in the database server apparatus by the patient terminal apparatus, by accessing the database server apparatus, and displaying the received answer data;
 - (b) transmitting and storing means for entering a remedy policy for a patient, transmitting the entered remedy policy to the database server apparatus, and storing the transmitted remedy policy in the database server apparatus;

- (c) second receiving means for receiving the stored remedy policy which was entered previously for the patient, by accessing the database server apparatus, and displaying the received remedy policy which was entered previously; and
- (d) reviewing and entry means for reviewing the displayed answer data together with the displayed remedy policy which was entered previously for the patient, and additionally entering a new remedy policy for the patient with reference to the displayed answer data and the displayed remedy policy which was entered previously for the patient, the new remedy policy being one of an addition to and a substitute of the displayed remedy policy which was entered previously for the patient.

Nevertheless, these features are old and well known in the art, as evidenced by *Blasingame*. In particular, *Blasingame* discloses a medical doctor terminal for use in a communication system for providing information era medical doctor's questions to patients, said communication system comprising:

- (4) said medical doctor terminal apparatus comprising:
 - (a) first receiving means for receiving answer data stored in the database server apparatus by the patient terminal apparatus, by

accessing the database server apparatus, and displaying the received answer data (Blasingame: ¶ [0076]; Fig. 1);

- (b) transmitting and storing means for entering a remedy policy for a patient, transmitting the entered remedy policy to the database server apparatus, and storing the transmitted remedy policy in the database server apparatus (Blasingame: ¶ [0076]; Fig. 1);
- (c) second receiving means for receiving the stored remedy policy which was entered previously for the patient, by accessing the database server apparatus, and displaying the received remedy policy which was entered previously (Blasingame: ¶ [0076]; Fig. 1);
and
- (d) reviewing and entry means for reviewing the displayed answer data together with the displayed remedy policy which was entered previously for the patient, and additionally entering a new remedy policy for the patient with reference to the displayed answer data and the displayed remedy policy which was entered previously for the patient, the new remedy policy being one of an addition to and a substitute of the displayed remedy policy which was entered previously for the patient (Blasingame: ¶ [0076]; Fig. 1).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Blasingame* with the combined teachings of *Clarkson* with the

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motivation of providing a means for customizing interactive doctor-patient consultations (*Blasingame*: abstract).

5. Claims 6, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Clarkson* and *Blasingame*, as applied to claims 1, 15 and 25 above, and further in view of *Bair et al.* (6,108,665; hereinafter *Bair*).

(A) As per original claim 6, *Clarkson* fails to expressly disclose the system as claimed in claim 4, wherein each of the question sets further includes a goal answer entered by a medical doctor.

Nevertheless, these features are old and well known in the art, as evidenced by *Bair*. In particular, *Bair* discloses the system as claimed in claim 4, wherein each of the question sets further includes a goal answer entered by a medical doctor (*Bair*: abstract; Fig. 1-34).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Bair* with the combined teachings of *Clarkson* and *Blasingame* with the motivation of providing healthcare optimization (*Bair*: col. 2, lines 42-47).

(B) As per previously presented claim 14, *Clarkson* discloses the system as claimed in claim 13, wherein said third storing means further stores an answer entered by a medical doctor, in addition to the information about linking between the respective patients and respective questions (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2).

Clarkson, however, fails to *expressly* disclose the system as claimed in claim 13, wherein said third storing means further stores a goal answer. Nevertheless, these features are old and well known in the art, as evidenced by *Bair*. In particular, *Bair* discloses the system as claimed in claim 13, wherein said third storing means further stores a goal answer (*Bair*: abstract; Fig. 1-34).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Bair* with the combined teachings of *Clarkson* and *Blasingame* with the motivation of providing healthcare optimization (*Bair*: col. 2, lines 42-47).

(C) Claim 20 substantially repeats the same limitations as those of claim 6 and therefore, is rejected for the same reasons given for claim 6 and incorporated herein.

Response to Arguments

6. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



Carolyn Bleck
Patent Examiner - 3626
3/31/07